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February 3, 2000

VIA FACSIMILE
CONFIRMATION BY AIRMAIL
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PRIVILEGED AND CONFIDENTIAL
Attorney-Client Communication

Re: U.S. National Phase Application Serial No. 09/403,603
Filed October 22, 1999
Based on PCT/JP98/01844
Your Ref: PCT-98-10277 (US)
Our Old Ref: 19051.072
Our New Ref: 12105/P64708USO

Dear Mr. Kawasaki:

Further to our letter of November 2, 1999, we have received a Notification of Missing Requirements dated December 3, 1999, from the U.S. Patent and Trademark Office. The application serial number for this case is 09/403,603.

The executed Declaration is due to be filed in the Patent Office on or before March 3, 2000. Extensions are available in one month increments until June 3, 2000 upon the payment of the appropriate government extension fee. We are enclosing a new Declaration and assignment from Jacobson, Price. Please send the executed Declaration as soon as possible for filing in order to avoid the additional expense associated with obtaining an extension of time. In order to avoid mailing delays, you may send the executed documents to us by facsimile.

According to the Notification, the translation of the Annexes to the International Preliminary Examination Report (that is, the Article 34 amendment) was not entered because "Page 6 does not continue on page 7." We find upon review of the translation of the Annexes that the Notification is correct. Page 6 of the application as filed ends with the partial sentence "Alternatively, (8) the cell is characterized in that, in". Page 6 of the translation ends with the partial sentence "which uses an aqueous electrolyte solution; etc."

Mr. Masaki Kawasaki
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In order for an Article 34 amendment to be entered, the beginning and ending of the substitute pages must continue exactly in sequence with the original pages. In this case, the end of page 6 of the Article 34 amendment is not in sequence with original page 7. From the description of the changes to the Disclosure provided in the translation, it appears that the translation should have included substitute pages 7-9 in addition to substitute pages 1-6.

We can still effect the amendments to the Disclosure and the claims through a preliminary amendment to the application. The preliminary amendment should be filed with the response to the Notification. Please provide us with the missing substitute pages or other changes to the Disclosure so that we can prepare the preliminary amendment.

We also acknowledge receipt of the certified priority document with your letter of December 16, 1999. We will file the certified priority document with the response to the Notification. Finally, to fulfill the duty of disclosure, the PTO Rules of Practice encourage an Information Disclosure Statement (IDS) to be filed at the PTO within a three month period after relevant information becomes known to anyone who is substantively involved in the patent application process. Also, relevant information cited in related foreign patent applications should be filed within a three-month period after the date of the foreign official action. Therefore, if possible, you should forward any relevant information with the executed documents, so that we can timely file an IDS. More specifically, the Rules of practice state the following. After a first Office Action has been mailed by the PTO, a \$200 government fee must be paid to have the PTO consider an IDS submitted after the three-month period described above. If a final Office Action or a Notice of Allowance has been mailed, the PTO may not even consider an IDS if it is filed after the three-month period, and a continuing application may have to be filed. In any event, the Duty of Disclosure continues until the issue date of the U.S. patent.

If you have any questions, please contact us immediately. Otherwise, we look forward to your prompt return of the properly executed documents and your instructions for amending the application.

Sincerely,



Nathaniel A. Humphries

JACOBSON, PRICE, HOLMAN & STERN, PLLC

NAH/LJS/jrc

Enclosures: Two copies of Notification of Missing Requirements
Declaration
Assignment